

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re petition of the Staff of the Public Utilities Commission to open a)	
docket to investigate costing and pricing issues related to industry-wide)	Docket No. 99-11035
collocation costs pursuant to the Telecommunications Act of 1996 and)	
the Commission's Regulations.)	
)	

At a general session of the Public Utilities
Commission of Nevada, held at its offices
on May 3, 2001.

PRESENT: Chairman Donald L. Soderberg
 Commissioner Richard M. McIntire
 Commissioner Adriana Escobar Chanos
 Commission Secretary Crystal Jackson

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings of fact and conclusions of law:

1. On November 18, 1999, the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("Commission") filed a petition, designated as Docket No. 99-11035, with the Commission. Staff requested that the Commission open an investigatory docket to examine the procedures and methodology which should be used to develop costs or prices for collocation of telecommunications services pursuant to the Telecommunications Act of 1996 ("Act") and the Commission's telecommunications regulations.
2. Staff states that the filing of this petition is part of the resolution of Docket No. 99-9004, a petition filed by AT&T Communications, Inc., wherein the parties agreed that Staff would file a petition to open an investigation regarding costs or prices for collocation services. Staff notes that pursuant to the Act and subsequent Federal Communications Commission ("FCC") orders regarding the Act, collocation services are subject to the same pricing requirements that were used in setting the prices for unbundled network elements (citing FCC Order 96-325).
3. This petition is filed pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") Chapters 703 and 704 and, in particular, NRS 703.540.
4. The Commission issued a public notice of this petition in accordance with State law and the Commission's Rules of Practice and Procedure.

5. The Commission has granted leave to intervene in this docket to Nevada Bell, AT&T Communications of Nevada, Inc. (“AT&T”), Central Telephone Company – Nevada d/b/a Sprint of Nevada and Sprint Communications Company, L.P. (“Sprint”), GTE California, Inc., d/b/a GTE of Nevada (“GTE”)¹, MGC Communications, Inc. (“MGC”)², Advanced Telcom Group, Inc. (“ATG”), Pac-West Telecomm, Inc. (“Pac-West”), Nextlink Nevada, LLC (“Nextlink”), MCI WorldCom, Inc. (“WorldCom”)³ and Eschelon Telecom of Nevada, Inc. (“Eschelon”). The Regulatory Operations Staff (“Staff”) of the Commission and the Attorney General’s Bureau of Consumer Protection (“BCP”) participate as a matter of right.

6. On May 31, 2000, the Commission issued a Notice of Hearing to commence on October 16, 2000, and on June 29, 2000, issued a Re-Notice of Hearing. The re-notice of hearing provided that in addition to the issues reiterated in the original notice of hearing, the Commission may also hear testimony concerning cost studies and/or various collocation costing models introduced by the parties in this docket, which may contain different prices for each incumbent local exchange carrier (“ILEC”) in each territory, and the policy considerations in regard thereto.

7. On July 31, 2000, the Commission issued a revised Re-Notice of Hearing to reiterate that the hearing in this docket had been re-scheduled to commence on January 16, 2001, and set forth a procedural schedule for the filing of testimony in this docket.

8. On November 3, 2000, Nevada Bell and AT&T submitted their respective cost models representing the costs each of these parties believed should apply to the provisioning of collocation in Nevada. Also on November 3, 2000, Verizon filed its Expanded Interconnection Services Cost Study setting forth proposed collocation rates for Verizon.

9. On January 5, 2001, the Presiding Officer issued an Order approving a Stipulation and Joint Motion for Continuance (“Joint Motion”) filed by Nevada Bell, AT&T, Sprint, WorldCom, Pac-West, MGC, Verizon, Staff, and the BCP. The Order vacated the currently scheduled deadline for the filing of rebuttal testimony and the date for commencement of hearing in this docket pending a prehearing conference scheduled for February 8, 2001.

10. On April 6, 2001, the Commission issued a Notice of Hearing in this docket to commence on April 30, 2001.

11. On April 17, 2001, Sprint, AT&T, MGC and Pac-West (“Sprint settling parties”) filed a Stipulation to resolve some of the outstanding issues between them regarding collocation

¹ The name of GTE was subsequently changed to Verizon California, Inc. d/b/a Verizon Nevada (“Verizon”).

² The name of MGC was subsequently changed to MGC Communications, Inc., d/b/a Mpower Communications Corp. (“Mpower”).

³ The name of MCI was subsequently changed to WorldCom, Inc. (“WorldCom”).

prices and adjacent on-site collocation. The Sprint settling parties represented that the unresolved issues enumerated in the Stipulation pertaining to adjacent off-site collocation and DC power will be addressed in post-hearing briefs, which may be filed by any party in this docket. The Sprint settling parties' Stipulation is attached hereto as Attachment 1 and is incorporated herein by reference.

12. In their Stipulation, the Sprint settling parties recited that: (1) Nevada Bell, Eschelon, WorldCom, Verizon, Staff and the BCP have authorized the Settling Parties to represent to the Commission that they do not oppose the Stipulation; (2) Nextlink has informed the Sprint settling parties that it has withdrawn or will shortly withdraw as a party to these proceedings; and (3) ATG has informed the Sprint settling parties that it has not reviewed, commented on or otherwise participated in the Sprint portion of these proceedings and therefore, has no involvement herein.

13. Also on April 17, 2001, Verizon, AT&T, Staff, and the BCP ("Verizon settling parties") filed a Stipulation to resolve some of the outstanding issues between them regarding physical collocation rates and virtual collocation. The Verizon settling parties represented that the unresolved issues enumerated in the Stipulation pertaining to adjacent off-site collocation, DC power, distance sensitive costing/pricing structures for adjacent on-site collocation, and cageless collocation will be addressed in post-hearing briefs, which may be filed by the Verizon settling parties in this docket. The Verizon settling parties' Stipulation is attached hereto as Attachment 2 and is incorporated herein by reference.

14. The Commission finds that the Sprint settling parties' and the Verizon settling parties' Stipulations described in Paragraphs 11 through 13, above are in the public interest.

15. The Commission finds that the Stipulations should be approved.

16. The issues not resolved by the Stipulations in this docket shall proceed to hearing on April 30, 2001, in accordance with the Notices of Hearing issued and current procedural schedule.

THEREFORE, it is ORDERED that:

1. The Stipulation attached hereto as Attachment 1 and entered into by Central Telephone Company – Nevada d/b/a Sprint of Nevada and Sprint Communications Company, L.P., AT&T Communications of Nevada, Inc., MGC Communications, Inc. and Pac-West Telecomm, Inc. in Docket No. 99-11035, is APPROVED AS FILED.

2. The Stipulation attached hereto as Attachment 2 and entered into by Verizon California, Inc. d/b/a Verizon Nevada, AT&T Communications of Nevada, Inc., the Attorney

General's Bureau of Consumer Protection and the Regulatory Operations Staff of the Commission in Docket No. 99-11035, is APPROVED AS FILED.

3. The hearing on all outstanding issues in this docket shall proceed as scheduled on April 30, 2001.

4. The Commission retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Commission,

DONALD L. SODERBERG, Chairman and
Presiding Officer

RICHARD M. MCINTIRE, Commissioner

ADRIANA ESCOBAR CHANOS, Commissioner

Attest: _____
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

(SEAL) 5/15/01 _____